



**U.S. Department of State
Bureau of Educational and Cultural Affairs
Private Sector Exchange**

February 20, 2013

Guidance Directive 2013-02

Summer Work Travel Program – Purpose and Placements

This Guidance Directive seeks to provide further clarification to sponsors on the purpose of the Summer Work Travel Program, reminding sponsors of its cultural exchange mission as well as the importance of appropriate job placements and regular, substantive interaction with Americans. It also provides guidance on identifying inappropriate job placements consistent with the program's purpose, cultural exchange requirements, exclusions list, and other applicable program regulations, as set forth in the May 2012 Interim Final Rule. That a particular job placement has not been expressly excluded from the program under 22 CFR 62.32(h) does not mean such a placement fulfills other regulatory requirements.

Purpose

For the past 50 years, the Summer Work Travel category of the Department's Exchange Visitor Program has provided one of the most popular opportunities for foreign university students to visit and learn about the United States. It is also one of the Department's largest means available to positively influence, through people-to-people diplomacy, the way young adults from foreign countries view the United States. The Summer Work Travel program provides foreign college and university students with opportunities to interact with U.S. citizens, practice the English language, experience U.S. culture while sharing their own cultures with Americans they meet, travel in the United States, and work in seasonal or temporary jobs that require minimal training in order to earn funds to help defray their expenses.

Most significantly, Summer Work Travel participants take the life-changing decision to participate in the program, with all the inherent risk and uncertainty of living and working in a foreign country, often in a language different than their own. This

decision involves investing significant amounts of money in order to gain the experience of living in and learning about the United States, and investing time and energy to work in a job to help recoup their Summer Work Travel program expenses. While the work component of the Summer Work Travel program enables the experience, the program does not exist to provide a labor force to U.S. employers. Sponsors should strive to be premier providers of a service to participants that includes reasonable fees for placement in a quality, safe, permissible job for which participants are compensated appropriately. Sponsors and U.S. host employers must take all steps to ensure the health, safety and welfare of all participants, so that participants have an enjoyable, safe, and memorable experience, thereby contributing to the program's overarching objective: that these individuals become lifelong ambassadors of goodwill and understanding between their respective countries and the United States.

Cultural Exchange: Interaction with U.S. Citizens

The 2012 Interim Final Rule required that sponsors place participants only in jobs that are seasonal or temporary as defined in 22 CFR 62.32(b), provide opportunities for regular communication and interaction with U.S. citizens, and allow participants to experience U.S. culture. Among the changes imposed by the 2012 Interim Final Rule, these requirements in particular reoriented the program to one that intentionally, and not incidentally, provides for cultural exchange through appropriate work placements.

Further, sponsors are reminded to ensure that all participants work alongside and interact regularly with U.S. citizens during the workday, and have opportunities to engage in cultural activities or events outside of work.

Work placements should allow for participants to interact frequently and substantially with U.S. citizens, practice speaking English, and gain exposure to American business practices and customer service and relations. Sponsors should therefore seek out U.S. host employers with positions that are appropriately-interactive and allow for this exchange. Sponsors are also encouraged to go above these basic requirements and focus on jobs that require participants to: have face-to-face interaction with customers; verbally communicate with customers; listen to and understand customers; and otherwise engage in interpersonal exchanges.

Clarification of Prohibited Placements

The 2012 Interim Final Rule expanded the list of prohibited placements for two primary reasons: (1) to mitigate risk to the health, safety, and welfare of participants; and (2) to ensure participants are placed in environments that further the program's core

public diplomacy and cultural exchange missions. To this end, the 2012 Interim Final Rule prohibited positions that required, among other things, predominantly night shifts; operation of certain types of power machinery; exposure to toxic chemicals or bodily fluids; frequent changes in housing; repetitive motion such as that found in an assembly line; and a compensation system that would likely not guarantee participants would earn minimum wage and include all required benefits (such as overtime). The Department expects sponsors to evaluate all job placements with the aforementioned objectives in mind. That a job has not been expressly excluded from the program does not necessarily mean that placement will meet other regulatory requirements, including that jobs be seasonal or temporary and provide regular and meaningful interaction with U.S. citizens. In this regard, and in response to specific sponsor inquiries, the Department has issued this guidance directive in order to note its significant concerns regarding participant placement in jobs in certain service sectors.

Industrial Style/Scale Service Sector Jobs

The Department has received inquiries regarding its position on placements in service sector jobs (i.e., positions in the North American Industry Classification System Service-Providing Industries) that include duties characteristic of manufacturing or industrial-style/scale work. For example, some service sector jobs involve assembly-lines, repetitive movement using heavy machinery, use of industrial-size steamers/pressers and dryers, use of industrial chemicals, and more generally require work in a factory-like atmosphere. Consistent with the program objectives and regulatory requirements discussed above, the Department would generally not consider such job placements to be appropriate, to the extent that participants are at risk for ergonomic and other serious injuries caused by the repetitive movement inherent in continually performing the same task, working with heavy machinery, working in very hot temperatures, and/or being exposed to dangerous industrial chemicals. The Department additionally has significant concerns that such work generally does not sufficiently provide for the type of cultural experience and interaction with U.S. citizens required in 22 CFR 62.32. Sponsors must therefore carefully assess whether work in a factory-like setting offers the required opportunity to interact frequently and substantially with U.S. citizens. Moreover, in light of the risk of injury inherent in working with heavy machinery, in an assembly line facility, with chemicals, and using repetitive motions, these jobs require a great deal of focus on the task at hand to avoid injury. For this reason, these jobs are highly unlikely to qualify as sufficiently interactive to meet regulatory requirements.

As an example, sponsors recently contacted the Department requesting clarification of the acceptability of placing Summer Work Travel participants in jobs with industrial launderers and linen supply providers, as defined by NAICS. (Industrial Launderers provide industrial cleaning of work uniforms and related work clothing, such as protective and “clean room apparel” (see NAICS 812332 (<http://www.naics.com/free-code-search/naicsdescription.php?code=812332>)). Linen supply businesses provide, on a rental or contract basis, laundered items, such as table and bed linens, towels, diapers, and uniforms (see NAICS 812331 (<http://www.naics.com/free-code-search/naicsdescription.php?code=812331>)).) To the extent that jobs with industrial launderers and linen suppliers require work in a factory-like atmosphere, involving repetitive movement in the use of conveyor belts, robotic shuttles, heavy machinery (such as industrial-size steamers/pressers and dryers), and use of industrial chemicals, the Department would have the same concerns outlined above. Given the program’s core safety and public diplomacy objectives, such positions are likely to present unacceptable health or safety risks to participants and are unlikely to provide for the type of substantial cultural interaction required by the 2012 Interim Final Rule.

A handwritten signature in dark ink, appearing to read "Robin J. Lerner". The signature is written in a cursive, flowing style.

Robin J. Lerner
Deputy Assistant Secretary
for Private Sector Exchange